



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Kenji Kuwabara and  
Tomiyoshi Aoki

**Group Art Unit:** 1614

**SERIAL NO.:** 10/781,433

**Examiner:** To Be Assigned

**FILED:** February 17, 2004

**Attorney Docket No.:** 44342.018001

**TITLE:** HETEROCYCLIC COMPOUNDS

**PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

S I R:

Applicant hereby requests that the above-identified patent application, U.S. Serial No. 10/781,433 be accorded its original filing date of February 17, 2004, pursuant to 37 C.F.R. 1.182.

On February 17, 2004, the instant divisional application was filed as a divisional of Non-Provisional Application 10/276,670 filed on November 18, 2002. The Divisional application contained 147 pages of specification, 3 pages of claims; 1 page abstract and 0 pages of drawings. A copy of the postcard submitted and stamped by the PTO is attached as Exhibit A. In the postcard it lists the contents that were submitted to the PTO on February 17, 2004. As can be seen from the postcard, the complete set of specifications, 147 pages of the specifications were submitted with the application. Pursuant to MPEP §503, the stamped postcard submitted with this Petition “serves as a *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.”

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09/02/2004 DENMANU1 00000105 501561 10781433

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Attorney Docket No.: 44342.018001  
U.S. Serial No.: 10/781,433  
Page 2

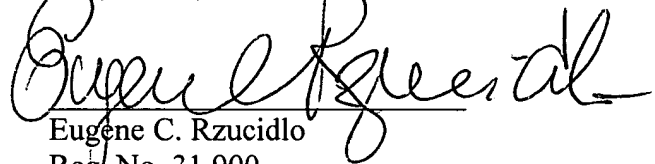
Accordingly, applicant respectfully requests that the above identified application be accorded the original filing date of February 17, 2004.

Pursuant to 37 C.F.R. 1.182, the petition is accompanied by: (1) the missing specification page 129 for submission in support of application serial number 10/781,433 and (2) the petition fee under 1.17(h) and (3) a copy of PTO Stamped Postcard submitted as Exhibit A.

Please charge the \$130 petition fee pursuant to 37 CFR 1.17(h) to Deposit Account No. 501561, in the name of Greenberg Traurig LLP.

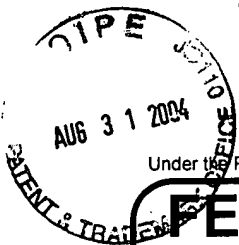
The undersigned respectfully requests prompt attention to this matter.

Respectfully submitted,



Eugene C. Rzucidlo  
Reg. No. 31,900

Date: August 30, 2004  
Greenberg Traurig, LLP  
Attorneys for Applicant  
885 Third Avenue - 21<sup>st</sup> Floor  
New York, NY 10022  
Phone: (212) 801-2100  
Facsimile: (212) 688-2449



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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$130.00

## Complete if Known

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/781,433          |
| Filing Date          | February 17, 2004   |
| First Named Inventor | K. Kuwabara, et al. |
| Examiner Name        |                     |
| Art Unit             | 1614                |
| Attorney Docket No.  | 44342.018001        |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

50-1561

Deposit  
Account  
Name

Greenberg Traurig

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002         | 340      | 2002         | 170      | Design filing fee      |          |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | (\$)     |

### 2. EXTRA CLAIM FEES FOR UTILITY AND

| Extra Claims       |         | Fee from below | Fee Paid |
|--------------------|---------|----------------|----------|
| Total Claims       | -20** = |                |          |
| Independent Claims | -3** =  |                |          |
| Multiple Dependent |         |                |          |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non - English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  | 130.00   |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR § 1.17(q)                                      |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Statement                             |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$130.00

## SUBMITTED BY

|                   |                    |                                   |                 |           |              |
|-------------------|--------------------|-----------------------------------|-----------------|-----------|--------------|
| Name (Print/Type) | Eugene C. Rzucidlo | Registration No. (Attorney/Agent) | 31,900          | Telephone | 212-801-2100 |
| Signature         |                    | Date                              | August 30, 2004 |           |              |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Applicant (s): K. Kuwabara, et al**

**Application : TBA**

**Filed: Div. 1 of 10/276,670**

**Title: HETEROCYCLIC COMPOUNDS**

**Date Mailed: 2/17/04**

**Attorney: BJS/rsf**

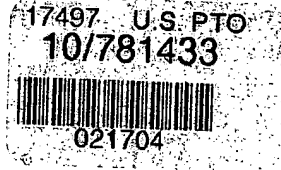
**Docket No.: 44342.018001**

***Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO for the***

***above noted matter of the following:***

- (1) Utility Patent Application Transmittal;
- (2) Fee Calculation sheet Authorization to Deduct the amount of \$770.00 from the deposit account 501561;
- (3) Patent Application (147 pgs of specs; 3 pg. Claims; 1 abstract; 0 pgs drgs Total 151 pgs);
- (4) Combined Oath/Declaration; Power of Attorney from parent appln.;
- (5) Express Mail Certificate;
- (6) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents;

**Express Mail No.: EV 316897867 US**





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POSTAGE WILL BE PAID BY ADDRESSEE

*Gene C. Ruvicillo Esq.*  
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